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January 31, 2001

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VIA COURIER SERVICE

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie Roman Salas, Esq.
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

**Re: Notice of *Ex Parte* Presentation by Global Metro Networks
CC Docket Nos. 98-147, 96-98**

Dear Secretary Salas:

Pursuant to sections 1.1206(b)(1) and (2) of the Commission's Rules, Global Metro Networks (GMN), by its attorneys, submits this notice of an oral and written *ex parte* presentation in the above-captioned proceeding on January 30, 2001. The Commission attendees of the *ex parte* presentation were William Kehoe, Brent Olson, Kimberly Cook, Rachel Du Fault, and Alex Johns of the Policy and Program Planning Division, Common Carrier Bureau, and Shanti Gupta and Jerry Stanshine of the Commission's Office of Engineering and Technology. The presentation was made by Steve Morris, Director, Regulatory Affairs, GMN, and Patrick J. Donovan and D. Anthony Mastando of Swidler Berlin Shereff Friedman, LLP.

Global Metro presented the views set forth in the attached document, which was provided at the meeting. Global Metro stressed that telecommunications carriers providing fiber-based service to CLECs may collocate pursuant to Section 251(c)(6), in part because they access the UNEs of the ILEC via a collocated CLEC. In addition, CLECs collocated in ILEC central offices that directly interconnect with the ILEC and access UNEs of the ILEC have the right under Section 251(c)(6) to self-provision transmission facilities extending into the central office to their collocation space. Pursuant to that right, collocated CLECs may also employ competitive fiber providers to install fiber in the ILEC central office extending to the CLEC's collocation space. Global Metro urged the Commission to clearly state in any order on remand that transmission facilities, including fiber, extending into the central office and to a CLEC's collocation space are necessary for interconnection and access to unbundled network elements and that collocated CLECs may employ competitive fiber providers to install such transmission facilities and/or obtain transmission services from competitive fiber providers from the CLEC's collocation space to facilities outside the central office.

Pursuant to sections 1.1206(b)(1) and (2), an original and four copies of this *ex parte* notice (with enclosure) are provided for inclusion in the public record of the above-referenced proceeding. Please direct any questions concerning this filing to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Patrick J. Donovan".

Patrick J. Donovan
D. Anthony Mastando

Counsel for Global Metro Networks

Enclosure

cc: FCC Attendees
International Transcription Service
Steve Morris

Who Is Global Metro Networks?

- Global Metro Networks (GMN) is a competitive fiber provider (“CFP”) carrier in the process of constructing fiber optic networks that will connect telecommunications-intensive sites (central offices, carrier hotels, ISPs, end users) in major cities in the US and Europe.

What Important Needs Will GMN Serve?

- GMN will help other carriers increase the speed of deployment of advanced services by connecting all key locations within a market with high-count fiber cables.
- GMN will compete directly with ILECs and reduce overall carrier reliance on ILEC networks.
- Operators of neutral collocation sites recognize the value provided by CFPs and are actively trying to attract GMN to their sites.

Why Does GMN Need to Collocate In ILEC Central Offices?

- GMN’s potential customers (*i.e.*, CLECs) need fiber at the point where they first pick up traffic off the UNE loop – the ILEC central office.
- To meet the needs of its customers, GMN needs the ability to connect its fiber with CLEC equipment somewhere in the central office.
- Connection to other CLECs in the cable vault (*e.g.*, Verizon's Competitive Alternate Transport Terminal (“CATT”) tariff) also meets the needs of GMN’s customers.
- Because almost all traffic still flows through the ILEC central office, connecting with CLECs in the central office is necessary even if GMN is able to connect with the CLEC at a neutral collocation site.
- Self-provisioning of fiber to the central office by CLECs is not a viable option in many areas because of the time and expense associated with any new excavation in the public right-of-way.

How Can The FCC Facilitate The Deployment of Advanced Services?

- Require ILECs, pursuant to Section 251(c)(6), to permit collocation of CFPs, even in situations where the CFP does not directly interconnect with, or access the UNEs of, the ILEC.
- Permit CFPs to collocate equipment in the central office for the purpose of connecting to the dark fiber UNE that ILECs are obligated to provide.
- Determine that ILECs must permit CFPs to access ILEC central offices, and connect with CLECs there, as a reasonable term and condition of collocation offered to CLECs that directly interconnect with, or access UNEs of, the ILEC.
- Confirm that CLECs may, under Section 251(c)(6), self-provision transmission facilities entering the ILEC central office and extending to their collocation space and that, pursuant to that right, may obtain these transmission facilities and services from CFPs.

Legal Basis For Requested Actions

- Through the use of cross-connects to collocated CLECs, CFPs indirectly interconnect with, and access UNEs of, the ILECs, via other CLECs. Section 251(c)(6) is not limited to direct interconnection or access to UNEs. Section 251(a)(1) recognizes indirect interconnection.
- Neither the FCC nor the DC Circuit has addressed the scope of “reasonable terms and conditions” of collocation.
 - The DC Circuit vacated the FCC’s definition of “necessary” but did not provide guidance as to what is a reasonable term of collocation once the necessary test is met.
 - Permitting ILECs to interconnect with all CLECs collocated in their premises without permitting CLECs to do the same would be unreasonable and discriminatory.
- Transmission facilities are “necessary” for interconnection and access to UNEs. Therefore, CLECs may collocate these facilities in the ILEC central office. Since they may collocate transmission facilities, they may employ 3rd carriers – CFPs – to provide these facilities and transport services provided over them.
- There is no adequate substitute for CLECs to connection with CFPs at the central office.
 - Self-provisioning of fiber to the central office by CLECs is not a viable option in many areas because of the time and expense associated with any new excavation in the public right-of-way.
 - Connections between a CLEC and a CFP at a neutral collocation site do not eliminate the need for the CLEC to obtain fiber into and out of the ILEC central office.